THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.14794 of 2007

Dated: 13-07-2007

Between:

M/s Nirmal Seeds Pvt Ltd., Hyd

.....

PETITIONER

AND

The Commissioner and Director of Agriculture,
Hyderabad, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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ORDER:

The petitioner is a trader in seeds of different categories.

A centralized licence was issued under the Seeds Act, 1966 (for short 'the Act'), by the Licencing Authority, namely, the Commissioner and Director of Agriculture, the first respondent herein, and it was being renewed from time to time. One of the seeds is 'Bhendi' of NOH-147. While renewing the licence of the petitioner in the recent past on 16.06.2007, the first respondent omitted this item. On the same day,

a letter was addressed to the petitioner informing the said item was deleted from the licence in view of a case pending in this Court. The petitioner was directed to withdraw the seeds stock of said item i.e., hybrid of Bhendi from the market immediately. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Agriculture at the admission stage.

The first respondent is conferred with the power to

grant renewed licence in respect of seeds on being satisfied about the compliance with the conditions stipulated under the Act and the Rules made thereunder. The petitioner claims to have developed said Bhendi seeds variety and it was granted centralized licence by inclusion of the same. If for any reason, the first respondent was not inclined to renew the licence, it was obligatory on his part to indicate the reasons before deletion. Through the impugned proceedings dated 16.06.2007, the first respondent communicated the reason after he deleted the said item from the licence. Such a course is impermissible in law. The first respondent ought to have issued notice requiring the petitioner to show-cause as to why the said item should not be deleted from the licence for the reasons stated in the notice. On this short point, the impugned proceedings dated 16.06.2007 are set aside. It is left open to the first respondent to issue show-cause notice to the petitioner and pass appropriate orders duly taking into account the explanation that may be offered by the petitioner. *Status quo* obtaining as on today as regards withdrawal of the seeds shall be maintained till such orders are passed.

The writ petition is allowed to the extent indicated above. No order as to costs

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(**L.NARASIMHA REDDY**)

13th July, 2007

ghn